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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,651	11/18/2003	Chiu-Chan Yen	MR2723-322	2833
4586	7590	10/05/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,651

Applicant(s)

YEN ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This is a first office action .

Claim Objections

1. Claim 1 is objected to because of the following informalities: the term “the forefront sector” (line 12) lacks a proper antecedent basis. Appropriate correction is required.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. In the specification, pages 4-5, describes “the under nest member (24) is disposed around the outer surface of the middle-stick 20 and being able to slide up/down along said middle-stick and said flex member” and “a/the fixture (21) is fixed on the top end of the middle-stick 20” . Therefore, it is not clear how can the under nest member (24) be disposed around the outer surface of the middle-stick and slide up/down along the middle-stick since there is a fixture 21 being fixed thereon. According to the drawing, the under nest member (24) appears only around and slide along the outer surface of the flex member, but not the middle stick. Appropriate correction is required. No new matter can be entered.

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4. Claims 1-4 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification. The application may be given full consideration on the merits of the claims upon such correction.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Crandall (US Patent No. 588,958).

Crandall shows and discloses an umbrella this is capably used as a golf-sunshade, comprising: a middle-stick (b2), a flex member (g) being disposed on a top end of the middle-stick and coupled to the middle-stick by a fixture (k), an upper nest member (b1) being fixed on the top surface of the flex member, an under nest member (g1) disposed around an outer surface of the flex member and is capable to slide up/down along the flex member, and a frame including ribs and main ribs (a) and branch ribs (f) being respectively connected to the upper and under nest members and being movable between close and open positions, and the flex member being move the frame in various positions.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US patent No 6,810,890).

Lin et al. shows and discloses an umbrella being used as a golf-sunshade, comprising: a middle-stick (13), a flex member (4) being disposed on a top end of the middle-stick and coupled to the middle-stick by a fixture (431), an upper nest member (10) being fixed on the top surface of the flex member, an under nest member (23) disposed around an outer surface of the flex member and is capable to slide up/down along the flex member, and a frame including ribs (3), main ribs (2) and branch ribs (22) being respectively connected to the upper and under nest members and being movable between close and open positions, and the flex member being enable to bend in various positions, and the flex member (4) including a fiber soft pipe and having a member therein made of plastic material (41) .

Citations

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enrique '388 teach chair sunshade comprising an umbrella having flex member as same as the claimed invention. Conner '570, Busheweller et al. '880, Aguilar '289, Lee '047, Lindaman '147, DeAngelis '138, and Japanese Patent No. 2002-330808 teach various sunshades having a flex member as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
September 29, 2005